

REMARKS

I. Summary of Office Action

Claims 1-48 are pending in this application.

Claims 1-48 have been rejected under 35 U.S.C.

§ 103(a) as being unpatentable over Walker et al. U.S.

Patent No. 6,110,041 (hereinafter "Walker").

II. Summary of Applicants' Reply to Office Action

The Examiner's rejections are respectfully traversed.

Applicants respectfully submit that this application is allowable over the references of record.

III. Applicants' Reply to the Rejection of Claims 1-48

Applicants' claims 1-48 are directed towards providing a consistent wagering interface on different types of wagering platforms. A first wagering interface is configured on a first type of wagering platform (e.g., television platform, computer platform, telephone platform). A configuration of the first wagering interface is stored. A second wagering interface is displayed on a second type of wagering platform. The second wagering interface is consistent with the configuration of the first wagering interface and the second type of wagering platform is different than the first type of wagering platform.

(e.g., the first type can be a television platform while the second type can be a computer platform).

Walker refers generally to a gaming system and method that allows casino players the ability to customize slot machines according to the player's playing preferences (Walker, col. 2, lines 13-20). Slot machines are networked to a central server that stores information about a player's preferences. When a player inserts a player tracking card into a slot machine, identification data stored on the player tracking card is transmitted to the central server. The central server accesses and transmits the associated player preferences to the slot machine. The slot machine configures the game to operate based on the player preferences that it receives (Walker, abstract, lines 1-8; col. 3, lines 33-41).

The Examiner contends that Walker, taken together with what would have been obvious to a person of ordinary skill in the art, teaches providing a consistent wagering interface on a first type of wagering platform and a second type of wagering platform, as defined by applicants' independent claims 1, 16 and 34 (see Office Action, pages 2-3). The Examiner, however, concedes that Walker does not explicitly teach that the second type of wagering platform is different than the first type of wagering platform. To address this deficiency, the Examiner

then contends that Walker, in column 9, lines 15-35, suggests that the invention "can be used in different game machines of different environment and different type of games" (Office Action, Response to Argument, page 4). Applicants respectfully disagree.

Applicants respectfully submit that the Examiner has misunderstood the difference between applicant's approach of providing a system with a consistent wagering interface on *different* types of platforms with Walker's approach of providing a system with a consistent wagering interface on a *single* type of platform. In the Examiner's attempt to show that the first and the second type of wagering platforms are different, the Examiner inappropriately relies on a section that discusses alternative embodiments.

The preferred embodiment of the Walker system allows a player to customize only a slot machine interface according to the player's playing preferences. When the player accesses a slot machine game at different slot machines (i.e., multiple data terminals), the interface is displayed according the player's preferences. Therefore, these slot machines are all displaying a single wagering interface on a single type of wagering platform.

Walker describes alternative embodiments in which the

customization feature in the preferred embodiment can be applied to other environments with one or more data terminals (see, Walker, column 9, lines 27-30). Applicants submit that Walker does not show or suggest that the customization can be applied to an environment that includes different types of data terminals (i.e., different types of wagering platforms). Rather, Walker refers to applying the concept of customization of an interface to a different network where each data terminal is based on a single platform. This is shown in the examples of other environments that this concept can be applied to:

For example, the invention could be readily modified to apply to networked video game systems, systems with point-of-sale terminals, and automatic teller machines (ATM).

(Walker, column 9, lines 30-32). Here, Walker discloses that other than applying the customization of a wagering interface to a network of slot machines, as in the preferred embodiment, the concept of customization can also be applied individually to a network of a type of video game, to a network of point-of-sale terminals, or to a network of automatic teller machines. Applicants submit that there is nothing in Walker that shows or suggests that these different types of systems can be included in a single network or environment.

Furthermore, these embodiments are disclosed as being

alternative embodiments. Being alternative embodiments means that a choice is provided for two or more mutually exclusive things and only one is selected. As alternative embodiments, these different environments or networks are not combined. Applicants submit that this in fact teaches away from the Examiner's improper proposition that Walker discloses providing data on different wagering platforms.

Moreover, applicants respectfully submit that the Examiner has failed to point to any suggestion or motivation to modify Walker to include the features of applicants' invention, as defined by independent claims 1, 16 and 34. In particular, the Examiner merely relies on conclusions of obviousness instead of providing objective evidence of a motivation to combine:

"[i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the wagering configuration on the second game machine that is different type with first game machine in order to allow the player to retain the same configuration the player selects on the first platform"

(Office Action, page 3). However, it is required that "[e]ven when obviousness is based on a single prior art reference, there must be a showing of a suggestion to modify the teachings of that reference." In re Kotzab, 55 U.S.P.Q. at 1316-1317 (emphasis added).

In addition, the Examiner claims that ". . . the

motivation to [modify the reference] is within the knowledge generally available to one of ordinary skill in the art."

Applicants submit that the Examiner's use of taking Official Notice by declaring what is within knowledge available to one of ordinary skill in the art, and thus obvious, is improper. The Examiner may only take Official Notice of facts outside of the record which are "capable of instant and unquestionable demonstration as being 'well known' in the art" (MPEP § 2144.03). Furthermore, there is no objective basis to conclude that the particular approach of "displaying a second wagering interface on a second type of wagering platform, wherein the second wagering interface is consistent with the configuration of the first wagering interface, and wherein the second type of wagering platform is different than the first type of wagering platform" is well known, or within the knowledge generally available to one of ordinary skill in the art, as suggested by the Examiner. Applicants also respectfully submit that the absence from the prior art of record showing applicants' claimed approach belies the Examiner's assertion of Official Notice. If the Examiner insists on maintaining this rejection, applicants respectfully request that the Examiner provide a reference in support of the Official Notice used in rejecting claims 1, 16 and 34, as is applicants' right under

MPEP § 2144.03.

Therefore, because Walker fails to show all the features of applicants' claimed invention, as defined by independent claims 1, 16 and 24 and because there is no suggestion or motivation to modify Walker to include all the features recited in independent claims 1, 16 and 34, independent claims 1, 16 and 34 are in condition for allowance. Claims 2-15, 17-33 and 35-48 which depend from independent claims 1, 16 and 34, respectively, are also in condition for allowance. Applicants respectfully submit that the rejection of the claims be withdrawn.

IV.

Conclusion

The foregoing demonstrates that claims 1-48 are patentable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

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